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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/966,102      | 10.01/2001  | Boris A. Maslov      | 57357-016           | 4783             |

7590 05/21/2003

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EXAMINER

LE, DANG D

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/966,102             | MASLOV ET AL.       |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Dang D Le              | 2834                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 March 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>0403</u> | 6) <input type="checkbox"/> Other:  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 3/4/03 have been fully considered but they are not persuasive. See paragraph no. 3 below.
2. Applicant's arguments with respect to claims 1 and 16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Oath/Declaration***

3. The Declaration filed on 3/4/03 under 37 CFR 1.131 has been considered but is ineffective to overcome the Hsu reference (U.S. Pat. No. 6,380,648).

The Hsu reference is a U.S. patent that claims the rejected invention. An affidavit or declaration is inappropriate under 37 CFR 1.131(a) when the patent is claiming the same patentable invention, see MPEP § 2306. The patent can only be overcome by establishing priority of invention through interference proceedings. See MPEP Chapter 2300 for information on initiating interference proceedings.

As a result, the rejection based on the Hsu reference is still deemed proper and repeated hereinafter.

### ***Information Disclosure Statement***

4. The information disclosure statement filed 4/8/03 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the

information referred to therein has not been considered. Copies of foreign documents are not received.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by De Filippis.

Regarding claim 16, De Filippis shows all of the limitations of the claimed invention. See Figures 1-15.

7. Claims 16 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsu (U.S. Pat. No. 6,380,648).

Regarding claim 16, Hsu shows a rotary electric motor comprising:

- A rotor (611) having a plurality of permanent magnets (615) disposed in an annular ring configuration, the magnets alternating in magnetic polarity along an inner annular surface;
- A stator (Figures 6A-6B) of annular ring construction encompassed within the rotor and separated therefrom by a radial air gap, the stator comprising a plurality of ferromagnetic core segments (212) having respective coils (413,

414) wound thereon to form stator windings, the stator having an outer radial periphery at the air gap and an inner radial periphery defining an inner volume; and

- A controller (511) contained within the inner volume for applying energization current to the stator windings.

Regarding claim 17, it is noted that Hsu also shows said volume being substantially cylindrical.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Filippis in view of Arnoux et al.

Regarding claim 1, De Filippis shows all of the limitations of the claimed invention except for a plurality of ferromagnetic core segments ferromagnetically isolated from each other.

Arnoux et al. show a plurality of ferromagnetic core segments ferromagnetically isolated from each other for the purpose of reducing the starting torque.

Since De Filippis and Arnoux et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the plurality of ferromagnetic core segments ferromagnetically isolate from each other as taught by Arnoux et al. for the purpose discussed above.

11. Claims 1, 2, 8, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu (U.S. Pat. No. 6,380,648) in view of Artus et al.

Regarding claim 1, Hsu shows a rotary electric motor comprising

- A rotor (611) having a plurality of permanent magnets (615) disposed in an annular ring configuration, the magnets alternating in magnetic polarity along an inner annular surface;
- A stator (Figure 6A) of annular ring construction encompassed within the rotor and separated therefrom by a radial air gap, the stator comprising:

- A plurality of ferromagnetic core segments isolated (Figure 6B) from each other, each of the core segments having respective coils wound thereon to form stator windings;
- An outer radial periphery at the air gap (Figure 2); and
- An inner radial periphery defining an inner volume; and
- A controller (511) contained within the inner volume for applying energization current to the stator windings.

Hsu does not show a plurality of ferromagnetic core segments ferromagnetically isolated from each other.

Artus et al. show a plurality of ferromagnetic core segments ferromagnetically isolated from each other (Figure 1) for the purpose of reducing flux loss

Since Hsu and Artus et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the plurality of ferromagnetic core segments ferromagnetically isolate from each other as taught by Artus et al. for the purpose discussed above.

Regarding claim 2, it is noted that Hsu also shows said motor being a brushless motor and wherein said volume further comprises electronic switches (51) responsive to the controller for directing current from a power supply to the stator windings.

Regarding claim 8, it is noted that Hsu also shows the electronic switches connected in bridge configurations, connected respectively to corresponding stator segment windings.

Regarding claim 13, it is noted that Hsu also shows said volume further comprising a circuit board (511) having mounted thereon the controller and switches.

Regarding claim 15, it is noted that Hsu also shows said volume being substantially cylindrical.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu (U.S. Pat. No. 6,380,648) in view of Artus et al. as applied to claim 2 above, and further in view of Isaak et al.

Regarding claim 3, the motor of Hsu modified by Artus et al. includes all of the limitations of the claimed invention except for said volume further comprising a power supply.

Isaak et al. show the volume further comprising a power supply (4) for the purpose of reducing size.

Since Hsu, Artus et al. and Isaak et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a power supply in the volume as taught by Isaak et al. for the purpose discussed above.



13. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu (U.S. Pat. No. 6,380,648) in view of Artus et al. and Isaak et al. as applied to claims 3 above, and further in view of Erdman et al.

Regarding claim 4, the motor of Hsu modified by Artus et al. and Isaak et al. includes all of the limitations of the claimed invention except for the stator further comprising a rotor position sensor having an output connected to the controller

Erdman et al. show the stator further comprising a rotor position sensor (200) having an output connected to the controller for the purpose of controlling the motor operation.

Since Hsu, Artus et al., Isaak et al. and Erdman et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include in the stator a rotor position sensor having an output connected to the controller as taught by Erdman et al. for the purpose discussed above.

14. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu (U.S. Pat. No. 6,380,648) in view of Artus et al. as applied to claim 2 above, and further in view of Eakman et al.

Regarding claim 5, the motor of Hsu modified by Artus et al. includes all of the limitations of the claimed invention except for each stator segment comprising a pair of poles circumferentially spaced from each other at the outer periphery and joined

together by a yoke or linking portion at the inner periphery, the pair of poles having opposite magnetic polarities at the air gap when energization current is supplied to the segment winding.

Eakman et al. show each stator segment comprising a pair of poles (24A, 24B) circumferentially spaced from each other and joined together by a yoke or linking portion (25), the pair of poles having opposite magnetic polarities at the air gap when energization current is supplied to the segment winding (26) for the purpose of reducing weight.

Since Hsu, Artus et al. and Eakman et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make each stator segment with a pair of poles circumferentially spaced from each other at the outer periphery and joined together by a yoke or linking portion at the inner periphery, the pair of poles having opposite magnetic polarities at the air gap when energization current is supplied to the segment winding as taught by Eakman et al. for the purpose discussed above.

Regarding claim 6, it is noted that Eakman et al. also show the winding of each stator segment comprising a winding portion on each stator pole, the winding portions of each pole pair being wound in opposite directions and connected in series.

Regarding claim 7, it is noted that Eakman et al. also show the winding of each stator segment being formed on the yoke or linking portion.

15. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu (U.S. Pat. No. 6,380,648) in view of Artus et al. and Isaak et al. as applied to claim 3 above, and further in view of Fatula, Jr. et al.

Regarding claim 10, the motor of Hsu modified by Artus et al. and Isaak et al. includes all of the limitations of the claimed invention except for said power supply comprising a plurality of replaceable batteries.

Fatula, Jr. et al. show said power supply comprising a plurality of replaceable batteries for the purpose of improving efficiency.

Since Hsu, Artus et al., Isaak et al. and Fatula, Jr. et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the power supply with a plurality of replaceable batteries as taught by Fatula, Jr. et al. for the purpose discussed above.

Regarding claim 11, it is noted that Fatula Jr. et al. also show said batteries rechargeable batteries capable of being recharged from an external source when removed from the stator and of being recharged by regenerative current applied by the stator segment windings.

Regarding claim 12, it is noted that Fatula Jr. et al. also show said batteries being rechargeable from an external source.

16. Claims 14 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu (U.S. Pat. No. 6,380,648) in view of Artus et al. as respectively applied to claims 13 and 8 above, and further in view of Erdman et al.

Regarding claim 14, the motor of Hsu modified by Artus et al. includes all of the limitations of the claimed invention except for said controller comprising an application specific integrated circuit (ASIC).

Erdman et al. show said controller comprising an application specific integrated circuit (ASIC, 200) for the purpose of improving efficiency.

Since Hsu, Artus et al. and Erdman et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make said controller with an application specific integrated circuit (ASIC) as taught by Erdman et al. for the purpose discussed above.

Regarding claim 9, it is noted that Erdman et al. also show the duration of the current directed to the stator windings and energization of the switches being controlled in response to signals received by the controller from a rotor position sensor.

17. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu (U.S. Pat. No. 6,380,648) in view of Isaak et al.

Regarding claim 18, Hsu shows all of the limitations of the claimed invention including said motor being a brushless motor and electronic switches responsive to the

controller for directing current excitation from the power supply to the stator windings except for said volume further comprising a power supply.

Isaak et al. show the volume further comprising a power supply (4) for the purpose of reducing size.

Since Hsu and Isaak et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a power supply in the volume as taught by Isaak et al. for the purpose discussed above.

#### ***Conclusion***

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

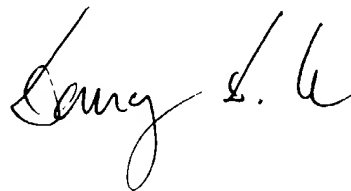
***Information on How to Contact USPTO***

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

May 17, 2003

A handwritten signature in cursive script, appearing to read "Dang D. Le".

DANGLE  
PRIMARY EXAMINER